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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

NATIONAL TPS ALLIANCE, et al.,
Plaintiffs,

vs.

KRISTI NOEM, in her official capacity as
Secretary of Homeland Security, UNITED
STATES DEPARTMENT OF HOMELAND
SECURITY, and UNITED STATES OF
AMERICA,

Defendants.

Case No. 3:25-cv-05687-TLT

**DECLARATION OF EMILOU H.
MACLEAN IN SUPPORT OF PLAINTIFFS'
MOTION FOR CLASS CERTIFICATION**

[Filed concurrently with Motion, supporting
Attorney Declarations of Ahilan T.
Arulanantham, Jessica Karp Bansal, and Erik
Crew; and [Proposed] Order]

Assigned to: Hon. Trina L Thompson

Date: September 16, 2025
Time: 2:00 p.m.
Place: Courtroom 9

Complaint Filed: July 7, 2025

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DECLARATION OF EMILOU H. MACLEAN

I, Emilou H. MacLean, hereby declare:

1. I am an attorney at law licensed to practice in the State of California, and I am a Senior Staff Attorney at the American Civil Liberties Union Foundation of Northern California (“ACLUF-NC”). I am counsel of record for Plaintiffs in this action and I make this declaration in support of Plaintiffs’ Motion for Class Certification on behalf of the American Civil Liberties Union Foundation of Northern California (“ACLUF-NC”) and the American Civil Liberties Union Foundation of Southern California (“ACLUF-SC”). I have personal knowledge of the facts set forth herein, and if called upon to testify as a witness thereto, I could and would competently do so under oath.

2. I am a member in good standing of the State Bars of California and New York. I am admitted to practice before several federal courts, including this Court.

3. I graduated from Harvard College magna cum laude in 2001 and Georgetown University Law Center magna cum laude in 2006. From 2006 to 2009, I worked at the Center for Constitutional Rights as a Legal Fellow and as a Staff Attorney; from 2015 to 2019, I worked at the National Day Laborer Organizing Network (NDLON) as a Staff Attorney and Co-Legal Director; from 2019 to early 2021, I worked in the Immigration Unit of the Office of the San Francisco Public Defender as a Deputy Public Defender. Since January 2021, I have been a Senior Staff Attorney for ACLU of Northern California.

4. I have also worked as an adjunct law professor at the immigrant rights clinics at the law schools of the University of California at Irvine (UCI) from August 2015 through December 2018, and the University of California Los Angeles (UCLA) from August 2018 through January 2019.

5. ACLUF-NC and ACLUF-SC are nonprofit, nonpartisan corporations that are tax-exempt under § 501(c)(3) of the Internal Revenue Code. They are nonpartisan organizations dedicated to defending the civil liberties and civil rights guaranteed by the federal and state constitutions. ACLUF-NC and ACLUF-SC do not receive government funding. ACLUF-NC and ACLUF-SC have extensive experience in class litigation and immigrants’ rights litigation and,

collectively, have served as lead counsel in dozens of civil rights class actions, including before this Court.

6. My legal practice has focused on immigration and constitutional law, the rights of noncitizens, and challenges to the improper exercise of government authority. My litigation in that area, in addition to the instant matter, includes: *Nat'l TPS Alliance v. Noem*, No. 3:25-cv-01766-EMC (N.D. Cal. 2025) ("*NTPSA I*"), *Ramos v. Nielsen*, No. 3:18-cv-01554 (N.D. Cal. 2018), and *Bhattarai v. Nielsen*, No. 3:19-cv-00731 (N.D. Cal. 2019) (legal challenges to the termination and/or vacatur of Temporary Protected Status); *Zepeda Rivas v. Jennings*, No. 3:20-cv-02731 and *Bahena Ortuno v. Jennings*, No. 20-cv-2064 (N.D. Cal. 2020) (legal challenges, including federal class action, challenging conditions of confinement during the COVID pandemic which resulted in an injunction and the significant depopulation of two California immigration detention facilities); *Puente Ariz. v. Arpaio*, No. 14-01356 (D. Ariz. 2014) (challenging the worksite raids and felony prosecution of noncitizens as a violation of the Supremacy Clause and the Equal Protection Clause); *NDLON v. ICE*, No. 16-00387 (S.D.N.Y. 2020) (Freedom of Information Act lawsuit seeking information about immigration enforcement practices nationwide); *Barre v. Bush*, No. 08-1153 (D.D.C. 2013) (habeas petition and petition pursuant to the Detainee Treatment Act challenging unlawful detention of Somali in Guantanamo Bay Naval Center); *Celikgogus v. Rumsfeld*, No. 08-1677 and *Al-Laithi v. Rumsfeld*, No. 06-1996 (D.D.C. 2013) (civil damages actions brought by six former Guantanamo Bay Naval Center prisoners pursuant to Constitution, Alien Tort Statute, Religious Freedom Restoration Act, and Section 1985); *Amnesty Int'l v. CIA*, No. 07-5435 (S.D.N.Y. 2008) (Freedom of Information Act litigation for disclosures regarding CIA prisons and U.S. extraordinary rendition program); *Wilner v. NSA*, No. 07-3883 (S.D.N.Y. 2007) (Freedom of Information Act litigation brought by 23 counsel for Guantanamo detainees seeking information disclosures regarding NSA warrantless surveillance of plaintiffs).

7. I also have experience litigating immigration-related and civil rights cases in state court. I am currently lead counsel for ACLUF-NC representing plaintiffs in *UFW Foundation v. Kern*, a legal challenge to Kern County's misdemeanor arraignment practices, and *Stiavetti v. Clendenin*, a successful challenge to the State's systemic prolonged detention of people deemed

1 incompetent to stand trial in California's jails; and I am coordinating a statewide effort to access
2 prosecutorial information for the purpose of implementing California's Racial Justice Act, with
3 litigation in various counties pursuant to California's state public records law. I have also
4 represented noncitizens in removal proceedings and before federal administrative bodies; and drafted
5 numerous amicus briefs for federal, state, and international courts. In recognition of our
6 contributions to the communities of TPS holders affected by this litigation, the Central American
7 Resource Center (CARECEN) awarded the *Ramos* and *Bhattarai* legal team the Champion of Justice
8 Award in 2023. The Los Angeles County Board of Supervisors also recognized us at the same time
9 for our work in this case. The National TPS Alliance further recognized us with an award in May
10 2023 for our impactful contributions to TPS holders through this litigation.

11 8. Proposed class counsel **Eva Bitrán** is the Director of Immigrants' Rights and a
12 Senior Staff Attorney at ACLUF-SC, and counsel of record for Plaintiffs in this action. Ms. Bitrán
13 was admitted to practice law in California in 2014, and is a member in good standing of the
14 California State Bar and of the Bar of this Court. She has been at ACLU-SC since 2017, and has
15 been involved in all aspects of this case. Ms. Bitrán has extensive experience litigating complex civil
16 litigation to defend and advance the rights of immigrants in the United States before this Court and
17 others. She is admitted to practice before several federal courts, including the United States Court of
18 Appeals for the Ninth Circuit and this Court. She graduated from Harvard Law School in 2014.
19 Following graduation, Ms. Bitrán served as a judicial clerk to the Honorable Edward C. Prado of the
20 United States Court of Appeals for the Fifth Circuit. From September 2015 until December 2016,
21 she served as a Legal Fellow at the European Center for Constitutional and Human Rights, where
22 she investigated and prepared litigation before the European Court of Human Rights regarding the
23 rights of migrants at the external borders of the European Union. Following her fellowship, Ms.
24 Bitrán worked as a Trial Attorney in the Federal Programs Branch of the United States Department
25 of Justice. After joining ACLUF-SC as a Staff Attorney in 2017, she became a Senior Staff Attorney
26 in 2023 and the Director of Immigrants' Rights in 2024. In her current role, Ms. Bitrán supervises
27 staff attorneys, legal fellows, interns, students, organizers, and policy advocates in all aspects of
28 litigation and advocacy on behalf of immigrants.

9. Ms. Bitrán has spent the majority of her legal career representing immigrants in federal class actions. For example, she is currently counsel in an action challenging the lack of appointed representatives for immigrants with serious mental health disabilities. *See Franco-Gonzalez v. Holder*, Case No. 2:10-02211-DMG-DTB (C.D. Cal. 2011). She is lead class counsel in *Hernandez Roman v. Wolf*, Case No 5:20-cv-00768-TJH-PVC (C.D. Cal. 2020), a certified class action protecting the rights of immigrants in detention from COVID-19, in which she has been intimately involved in the daily conduct of litigation (including discovery, depositions, numerous contested motions before the District Court and the U.S. Court of Appeals for the Ninth Circuit, and extensive settlement negotiations through the Ninth Circuit mediation program). Ms. Bitrán is also lead counsel in a putative class action challenging access to counsel for immigrants detained at the Adelanto ICE Processing Center. *See Torres v. DHS*, Case No. 5:18-02604-JGB-SHK (C.D. Cal. 2017). Ms. Bitrán has also served as counsel in other complex immigrants’ rights cases including *NTPSA I* (Venezuelan and Haitian TPS holders’ challenge to DHS’s vacatur and termination of their status); *UFW v. Noem*, No. 1:25-cv-00246-JLT-BAM (E.D. Cal 2025) (class action challenge to Border Patrol’s unlawful policy and practice of conducting suspicionless stops and warrantless arrests in the Eastern District of California); *Kidd v. Mayorkas*, 2:20-cv-03512-ODW-JPR (C.D. Cal. 2020) (ensuring that immigration officers comport with federal law when conducting law enforcement arrests at or near an individual’s home), and *Orantes-Hernandez v. Meese*, 685 F. Supp. 1488 (C.D. Cal. 1988), *aff’d sub nom Orantes-Hernandez v. Thornburgh*, 919 F.2d 549 (9th Cir. 1990) (protecting rights of Salvadoran nationals to seek asylum). She previously served as class counsel in a class action aimed at preventing ICE from transferring detained immigrants out of the region, *Arroyo v. DHS*, Case No. 8:19-00815-JGB-SHK (C.D. Cal. 2019), for which the court recognized her “distinctive knowledge and specialized skill” in litigating “complex cases involving the constitutional rights of detained immigrants” in connection with a fee motion. *Id.* at ECF No. 53, p. 7.

10. Proposed class counsel **Michelle (Minju) Y. Cho** is a Senior Staff Attorney at ACLUF-NC and an experienced immigrants’ rights litigator. She was admitted to practice law in California in 2018 and is a member in good standing of the California State Bar and of the Bar of

1 this Court. She is admitted to the U.S. Court of Appeals for the Ninth Circuit, the U.S. Court of
 2 Appeals for the Third Circuit, the Northern District of California, the Central District of California,
 3 the Eastern District of California, the Southern District of California, and the Western District of
 4 Washington. Ms. Cho graduated from Yale Law School in 2016 and clerked for Judge Kim Wardlaw
 5 on the U.S. Court of Appeals for the Ninth Circuit (2016-17) and Justice Goodwin Liu on the
 6 California Supreme Court (2017-18). As a Skadden Fellow (2018-21), she worked at Asian
 7 Americans Advancing Justice-Southern California, where she served as co-class counsel for a
 8 certified class in *Chhoeun v. Marin*, No. 8:17-cv-01898 (C.D. Cal. 2017) (challenge to immigration
 9 enforcement practices against Cambodian nationals); and at ACLUF-SC, where she served as co-
 10 class counsel for certified classes in *Hernandez Roman v. Wolf*, 5:20-cv-00768 (C.D. Cal. 2020)
 11 (constitutional challenge to ICE detention conditions during COVID-19 pandemic); and *Wagafe v.*
 12 *Trump*, No. 2:17-cv-00094 (W.D. Wash. 2017) (challenge to federal government's secretive national
 13 security vetting program).

14 11. At ACLUF-NC, Ms. Cho is co-class counsel for a certified class in *Aleman Gonzalez*
 15 *v. Sessions*, No. 3:18-cv-01869 (N.D. Cal. 2018) (challenge to prolonged no-bond detention of
 16 noncitizens detained pursuant to 8 U.S.C. § 1231(a)(6) within the Ninth Circuit) and a provisionally
 17 certified class in *UFW v. Noem*, No. 2:35-cv-00246 (E.D. Cal. 2025) (challenge to Border Patrol's
 18 policy of unlawful stop-and-arrest tactics). Additionally, she has experience representing immigrants
 19 in civil cases raising complex issues without certified classes, such as *NTPSA I* (challenge to vacatur
 20 and termination of TPS for Venezuela and Haiti); *Mendez v. ICE*, No. 3:23-cv-00829 (N.D. Cal.
 21 2023) (First Amendment challenge by dozens of hunger strikers detained by ICE); *Echeveste v.*
 22 *Jones*, No. 34-2021-80003768 (Sac. Super. Ct. 2021) (mandamus action challenging violations of
 23 California's immigrant sanctuary law by Sacramento County Sheriff's Office); *Cal. Attorneys for*
 24 *Crim. Justice v. Newsom*, No. S261829 (Cal. 2020) (mandamus action to enjoin custody transfers
 25 from local/state custody to ICE during onset of COVID-19 pandemic); *Bhattarai v. Nielson*, No.
 26 3:19-cv-00731 (N.D. Cal. 2019) (challenging termination of TPS for Honduras and Nepal); and *La*
 27 *Clinica de la Raza v. Trump*, No. 4:19-cv-04980 (N.D. Cal. 2019) (challenging promulgation of
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Trump administration’s new public charge rule); in addition to numerous matters related to habeas corpus, Freedom of Information Act, Federal Tort Claims Act, amicus briefing, and other litigation.

12. Proposed class counsel **Diana Sánchez** is a staff attorney at ACLUF-SC. She was admitted to practice law in California in 2021 and is a member in good standing of the California State Bar, and admitted to practice before several federal courts, including the United States Court of Appeals for the Ninth Circuit, the Northern District of California, and the Central District of California. Ms. Sánchez graduated with distinction from Stanford Law School in 2020. Following graduation, she served as a judicial clerk to the Honorable Keith P. Ellison in the Southern District of Texas and the Honorable Richard A. Paez of the Ninth Circuit Court of Appeals. She then worked as a Skadden Fellow at the Immigrant Defenders Law Center where she specialized in immigrants’ rights civil litigation and appellate proceedings challenging petitions for review of removal orders. She has worked at ACLUF-SC since June 2023, first as a Skadden Fellow and, since the completion of her fellowship in September 2024, as a staff attorney.

13. Ms. Sánchez has significant experience on immigrants’ rights issues and in complex civil litigation, including immigration enforcement, civil rights and liberties, and related statutory and regulatory rights. In addition to serving as counsel in the present matter, Ms. Sánchez is co-counsel in *Kidd v. Mayorkas*, 2:20-cv-03512-ODW-JPR (C.D. Cal. 2020) (ensuring that immigration officers comport with federal law when conducting law enforcement arrests at or near an individual’s home). Ms. Sánchez is also counsel in *Franco Gonzalez v. Holder*, Case No. CV-10-02211 DMG (DTBx) (C.D. Cal. 2010) (class action challenging detention and removal proceedings without reasonable accommodations, including right to counsel and bond hearing, for detained immigrants with serious mental health disabilities); *Adlerstein v. U.S. Customs and Border Protection*, Case No. 4:19-cv-00500-CKJ (D. Ariz. 2019) (lawsuit challenging border searches, seizures, and surveillance of immigrants’ rights activists); and *NTPSA I* (challenging termination of Temporary Protected Status for over one million immigrants from Haiti and Venezuela). Ms. Sánchez has also litigated individual cases involving constitutional and statutory rights of immigrants before the immigration court, the Board of Immigration Appeals, and in the Ninth Circuit Court of Appeals. For example, she is presently lead counsel in *Pacheco v. Garland*, Case

No. 24-5108 (9th Cir. 2024), and *Rosas Rosas v. Becerra*, Case No. 23-4103 (9th Cir. 2023). She previously served as counsel in petition for rehearing en banc proceedings in *Phillips v. U.S. Customs & Border Protection*, 102 F.4th 1110 (9th Cir. 2024) (order), and *Hernandez v. Garland*, Case No. 20-72138 (9th Cir. 2020), and as amicus counsel in *Garcia Alvarez v. Garland*, Case No. 23-26 (9th Cir. 2023).

14. Proposed class counsel **Amanda Young** is an attorney at ACLUF-NC. She was admitted to practice law in California in 2024, and is a member in good standing of the California State Bar and of the Bar of this Court. She graduated with a J.D. from University of California, Berkeley School of Law in 2024. Ms. Young graduated with Pro Bono Highest Distinction and was awarded a certificate in Public Interest & Social Justice. While in law school, she served as Online Editor for the *California Law Review* and as Public Interest Chair of the Asian Pacific American Law Student Association. At ACLUF-NC, Ms. Young is co-counsel on several complex civil rights cases, including *Coalition on Homelessness v. City and County of San Francisco*, 758 F. Supp. 3d 1102 (N.D. Cal. 2024) (challenging the City and County of San Francisco's destruction of unhoused people's property as a Fourth Amendment violation), and *Schmitz v. Permit Sonoma*, No. 25CV03893 (Sonoma Super. Ct. June 4, 2025) (challenging the county's use of unmanned aerial vehicles to target and record details about residents without a warrant).

15. ACLUF-NC and ACLUF-SC have experience fairly and adequately representing the interests of the class in other class actions. ACLUF-NC and ACLUF-SC have capacity to thoroughly and vigorously litigate the claims in this case and properly represent the plaintiff class, and intend to commit all necessary resources to do so.


16. If appointed class counsel, I will ensure that the attorneys listed in this declaration and I zealously represent the interests of the class to the best of our collective ability.

17. I am not aware of any conflict among potential class members in this case.

18. I am not aware of any conflicts between ACLUF-NC, ACLUF-SC, and any members of the potential class that would prevent ACLUF-NC and ACLUF-SC from providing zealous representation to the class.

1 19. ACLUF-NC has connected with Plaintiffs and confirmed Plaintiffs' understanding of
2 their roles as class representatives and their willingness to take on that responsibility.

3 I declare under penalty of perjury under the laws of the United States and the State of
4 California that the foregoing is true and correct to the best of my knowledge. Executed on August
5 15, 2025, in San Francisco, California.

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8 _____
9 Emilou H. MacLean
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CERTIFICATE OF SERVICE

I hereby certify that on August 15, 2025, I caused the foregoing to be electronically filed with the Clerk of Court using the CM/ECF system, which will then send a notification of such filing (NEF) to all counsel of record.

NATIONAL DAY LABORER
ORGANIZING NETWORK

/s/ Jessica Karp Bansal

Jessica Karp Bansal
Lauren Michel Wilfong (*Pro Hac Vice*)